

REMARKS

Claims 1-39 are pending in the application. Claims 1-20, 38, and 39 stand rejected, and claims 21-37 have been withdrawn by the Examiner.

Double Patenting

Claims 1-20, 38, and 39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 5,947,975. Applicants respectfully disagree with the Examiner but, solely in the interest of passing this case to issue, hereby submit a Terminal Disclaimer in favor of the '975 patent, and submit that this rejection is now moot.

Rejection under 35 U.S.C §102

Claims 1-20, 38, and 39 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,616,148 to Eagles et al. In particular, the Examiner finds that, with regard to claim 1, Eagles discloses all of the claimed limitations. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference. However, further in the spirit of cooperation and in the interest of passing this case to issue, Applicants have also amended the claims herein to clarify their scope and thus more clearly read over the cited art.

Applicants thus note that Eagles discloses an insertion device with a contoured surface 122 of a lower portion 102 in a lens cartridge 22 supporting/engaging with a trailing haptic 30b of a lens 30 but not supporting or engaging with an optic portion 30c of said lens 30, as most clearly and easily seen with reference to Figs. 11, 12 and 20 of Eagles. The claims as presently amended, on the other hand, clearly set forth that the enclosing member of the insertion device engages only with the peripheral edge portion of the optical portion of the lens when the lens is received in the enclosing member. As the Examiner will appreciate, the claimed arrangement holds the lens such that its optical portion is non-curved - that is, there is substantially no stress

acting upon the optical portion, thereby avoiding any deformation of the optical portion which would otherwise occur over time (as indicated, e.g., in col. 7 ll. 56-58). Applicants thus submit that the presently claimed invention is novel and non-obvious over Eagles, and respectfully request the Examiner to kindly reconsider and pass claim 1 to issue.

Claims 2, 14, 19, 20, 38 and 39 have been amended similarly to claim 1. Applicants thus submit that all pending claims are novel and patentable over the art at least in view of their dependency on claim 1.

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Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

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In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

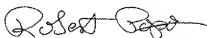
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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Respectfully submitted,



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